

## REMARKS

Applicant respectfully requests the Examiner's reconsideration of the present application. No claims have been amended, added or cancelled. Therefore, claims 1-14 are presented for examination.

### **Rejections Under 35 U.S.C. §112**

Claims 1-14 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement.

The Examiner has rejected independent claims 1 and 5-7 and claims 2-4 and 8-14 under 35 U.S.C. §112, first paragraph, based on the use of the claim term "higher moment data." In response to Applicant's arguments mailed March 24, 2004, the Examiner has asserted that:

"The Examiner is not aware that higher moment data refers to higher correlation of data. Further, applicant has not provided any evidence that higher moment data refers to higher correlation of data. Applicant has to define in the specification, higher moment data and what is distinction between higher moment data and any other moment data." (Office Action of June 16, 2004, p. 3).

As previously submitted, Applicant maintains that the term "higher moment data" has a well established definition which is readily understood by a person of ordinary skill in the art of the present invention. As evidence of this, Applicant submits herewith an Information Disclosure Statement (IDS) citing an article entitled "Characterization of higher order correlations in neural ensembles," hereinafter referred to as "Gallardo." Applicant directs Examiner's attention generally to the Introduction, the "Some Properties of Moments and Cumulants" section, and the Bibliography of Gallardo. In particular, Applicant directs Examiner's attention to paragraph 3 of the Introduction section of Gallardo, which states that higher order correlations are characterized by moments and cumulants. Therefore, Applicant submits that it is well known in the art that higher moment data are characteristic of higher order correlations of data. Furthermore, the "Some Properties of Moments and Cumulants" section provides various formulas for converting moments to correlations. Accordingly, Applicant

requests that the rejection of independent claims 1 and 5-7 and claims 2-4 and 8-14 that depend from them be withdrawn.

### Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.


If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact Scott Heilesen at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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